

1 THOMAS M. DONNELLY (SBN 136546)
JONES DAY
2 555 California Street, 26th Floor
San Francisco, CA 94104
3 Telephone: (415) 875-5880
Facsimile: (415) 875-5700
4 email: tmdonnelly@jonesday.com

E-FILED - 3/3/10

5 Attorneys for Defendants KAISER ALUMINUM
CORPORATION and KAISER ALUMINUM &
6 CHEMICAL CORPORATION

7
8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN JOSE DIVISION

11 MOSS LANDING COMMERCIAL PARK
LLC,

12 Plaintiff,

13 v.

14 KAISER ALUMINUM CORPORATION,
KAISER ALUMINUM & CHEMICAL
15 CORPORATION, and DOES 1 through
100,

16 Defendants.

CASE NO. C07 06072 RMW/PVT

**STIPULATION AND []
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE**

17
18 WHEREAS, plaintiff Moss Landing Commercial Park ("MLCP") has filed and served its
19 First Amended Complaint upon defendants Kaiser Aluminum Corporation and Kaiser
20 Aluminum & Chemical Corporation (collectively, the "Kaiser Defendants"), and the Kaiser
21 Defendants have answered such Complaint;

22 WHEREAS, the Kaiser Defendants assert that this action is barred by the relief granted to
23 the Kaiser Defendants in their Chapter 11 bankruptcy proceedings;

24 WHEREAS, the Kaiser Defendants sought and obtained an order from the Delaware
25 Bankruptcy Court requiring MLCP to dismiss its Complaint;

26 WHEREAS, MLCP appealed therefrom, and the Delaware District Court has upheld the
27 order of the Delaware Bankruptcy Court;
28

1 WHEREAS, MLCP has appealed the Delaware District Court's order to the Third Circuit
2 Court of Appeals;

3 WHEREAS, the parties have completed briefing the appeal to the Third Circuit and are
4 awaiting a decision; and

5 WHEREAS, the parties wish to conserve judicial resources and their litigation expenses.

6 NOW, THEREFORE, plaintiff MLCP and the Kaiser Defendants stipulate and
7 respectfully request that the Court enter an order as follows:

8 1. The Case Management Conference currently scheduled for March 5, 2010, shall be
9 continued to June 4, 2010 at 10:30 a.m. in Courtroom 6.

10 2. Not later than May 28, 2010, the parties shall file a joint Case Management
11 Conference Statement.

12 Dated: February 22, 2010

LAW OFFICES OF CHRISTOPHER C. CAYCE

14 By: /s/ Christopher C. Cayce
15 CHRISTOPHER C. CAYCE
16 Attorneys for Plaintiff MOSS LANDING
COMMERCIAL PARK LLC


17 Dated: February 22, 2010

JONES DAY

19 By: /s/ Thomas M. Donnelly
20 THOMAS M. DONNELLY
21 Attorneys for Defendants KAISER ALUMINUM
CORPORATION and KAISER ALUMINUM &
22 CHEMICAL CORPORATION

23 **IT IS SO ORDERED.**

24 Dated: 3/3, 2010


25 The Honorable Ronald M. Whyte
26 United States District Court Judge
27
28